



## TEXAS STATE BOARD OF DENTAL EXAMINERS

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### BOARD MEETING MINUTES

February 24, 2017

**1. CALL TO ORDER – BOARD MEETING.**

Dr. Austin called the meeting of the Texas State Board of Dental Examiners (TSBDE) to order at 8:35 a.m.

**2. ROLL CALL.**

Dr. Tillman called the roll. It was noted for the record that a quorum was present.

**a. Members Present:**

Dr. Steven J. Austin	Presiding Officer
Dr. Kirby Bunel Jr.	Member
Ms. Renée S. Cornett, RDH	Member
Dr. D. Bradley Dean	Member
Dr. Diane Garza	Member
Dr. Bryan N. Henderson	Member
Dr. Christie M. Leedy	Member
Mr. Timothy J. O'Hare	Member
Ms. Lois M. Palermo, RDH	Member
Dr. Jorge E. Quirch	Member
Dr. M. David Tillman	Secretary
Mr. Lewis M. White	Member
Dr. Jason A. Zimmerman	Member

**b. Members Absent - Excused:**

Mr. Richard "Rich" Villa	Member
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**c. Staff Present:**

Ms. Kelly Parker	Executive Director
Ms. Nycia Deal	Chief Legal Counsel
Mr. Tyler Vance	General Counsel
Dr. Brooke Bell	Director of Dental Division
Ms. Leticia Kappel	Director of Finance and Administration Division
Ms. Christine Mendez	Director of Licensing Division

3. **REVIEW AND APPROVAL OF PAST MINUTES FROM THE NOVEMBER 18, 2016 BOARD MEETING.**  
A MOTION WAS MADE BY DR. DEAN AND SECONDED BY DR. QUIRCH TO APPROVE THE MINUTES AS WRITTEN.  
(FOR – 13/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.
4. **NOMINATIONS AND ELECTION OF BOARD SECRETARY.**  
Dr. Austin briefed the Board on the history of the election and selection process (Occupations Code Chapter 252, Section 252.006) and relay the duties of the Board Secretary.  
Dr. Austin announced Dr. Tillman and Dr. Zimmerman expressed interest in becoming the Board's Secretary.  
Dr. Zimmerman declared his availability and interest in serving as Board Secretary.  
Dr. Tillman declared his availability and interest in serving as Board Secretary.  
Dr. Austin advised the Board Members will cast their votes by secret ballot.  
Dr. Henderson collected the ballots, passed them to Ms. Parker and Ms. LaFuentes to count.  
Dr. Austin announced that Dr. Tillman received the most votes and will continue being the Board's Secretary.
5. **DISCUSSION AND ACTION ON CASES HEARD BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH).**
  - 5.1. **Docket No. 504-17-1926, Arturo Vazquez, Jr., RDA, Registration No. 3330.**  
Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations and Board Action.  
A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. LEEDY TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND REVOKE MR. ARTURO VAZQUEZ JR.'S DENTAL ASSISTANT REGISTRATION NO. 3330.  
(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.
  - 5.2. **Docket No. 504-17-1136, Scott C. Berry, DDS, Texas Dental License No. 12410.**  
Consideration of the Administrative Law Judge's Proposal for Decision, Recommendations, and Board Action.  
**Dr. Scott C. Berry was present and made testimony.**  
A MOTION WAS MADE BY MR. WHITE AND SECONDED BY MS. CORNETT TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, AND SUSPEND (UNTIL REQUIRED STIPULATIONS HAVE BEEN MET) DR. BERRY'S DENTAL LICENSE NO. 12410.  
(FOR – 9 / OPPOSED – 4 / ABSTAIN – 0) MOTION CARRIES.
  - 5.3. **Docket No. 504-17-0945, Tabitha Lillian Ferguson, RDA, Registration No. 74903.**  
Consideration of the Administrative Law Judge's Order No. 2 Dismissing Case, Recommendations and Board Action.  
A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. QUIRCH TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND REVOKE MS. TABITHA FERGUSON'S DENTAL ASSISTANT REGISTRATION NO. 74903.  
(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.4. Docket No. 504-17-1137, Gregory Alan Ladd, DDS, Texas Dental License No. 22477.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations and Board Action.

A MOTION WAS MADE BY DR. GARZA AND SECONDED BY DR. HENDERSON TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD ON DEFAULT RECOMMENDED BY STAFF, ENFORCING THE SUSPENSION (UNTIL REQUIRED STIPULATIONS HAVE BEEN MET) OF DR. GREGORY LADD'S DENTAL LICENSE NO. 22477.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.5. Docket No. 504-17-1087, Kathryn Pannell, RDA, Registration No. 832.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations and Board Action.

A MOTION WAS MADE BY MR. O'HARE AND SECONDED BY DR. LEEDY TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD ON DEFAULT RECOMMENDED BY STAFF AND REVOKE MS. KATHRYN PANSELL'S DENTAL ASSISTANT REGISTRATION NO. 832.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.6. Docket No. 504-17-1086, Juanita Hernandez, RDA, Registration No. 41197.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations and Board Action.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. HENDERSON TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND REVOKE MS. JUANITA HERNANDEZ'S DENTAL ASSISTANT REGISTRATION NO. 41197.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.7. Docket No. 504-17-0741, Rachel G. McGinnis, RDH, Texas Dental Hygiene License No. 13546.**

Consideration of the Administrative Law Judge's Proposal for Decision, Recommendations, and Board Action.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. QUIRCH TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD RECOMMENDED BY STAFF AND DISCIPLINE MS. RACHEL MCGINNIS'S DENTAL HYGIENE LICENSE NO. 13546.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.8. Docket No. 504-17-0742, Lauren M. Orsak, RDA, Registration No. 32114.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations and Board Action.

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. QUIRCH TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD ON DEFAULT RECOMMENDED BY STAFF AND SUSPEND (UNTIL REQUIRED STIPULATIONS HAVE BEEN MET) MS. LAUREN ORSAK'S DENTAL ASSISTANT REGISTRATION NO. 32114.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.9. Docket No. 504-17-1706, D. William Gary, DDS, Texas Dental License No. 25687.**

Consideration of the Administrative Law Judge's Order No. 2 Dismissing Case, Recommendations and Board Action.

A MOTION WAS MADE BY MR. O'HARE AND SECONDED BY DR. QUIRCH TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD ON DEFAULT RECOMMENDED BY STAFF AND REVOKE MR. WILLIAM GARY'S DENTAL LICENSE NO. 25687.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.10. Docket No. 504-17-1262, Antonia Leung, RDA, Registration No. 54790.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations and Board Action.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. GARZA TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD ON DEFAULT RECOMMENDED BY STAFF AND REVOKE MS. ANTONIA LEUNG'S DENTAL ASSISTANT REGISTRATION NO. 54790.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**5.11. Docket No. 504-17-0740, Allison Bedard, RDH, Texas Dental Hygiene License No. 15731.**

Consideration of the Administrative Law Judge's Order No. 1 Dismissing Case, Recommendations and Board Action.

**Mr. Charles McGarry, the Respondent's attorney was present and made testimony.**

**Dr. Bunel stepped out from 9:56 a.m. until 9:59 a.m.**

A MOTION WAS MADE BY DR. DEAN AND SECONDED BY MS. CORNETT TO MODIFY THE ALJ'S RECOMMENDATION.

(FOR – 1 / OPPOSED – 12 / ABSTAIN – 0) MOTION CARRIES.

A TABLE TO THE PREVIOUS MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. QUIRCH TO ACCEPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE PROPOSAL FOR DECISION AS WRITTEN, ADOPT THE ORDER OF THE BOARD ON DEFAULT RECOMMENDED BY STAFF AND ENFORCING THE SUSPENSION (UNTIL AND IF THE BOARD EXPRESSES A DETERMINATION TO REINSTATE THE RESPONDENT'S LICENSE) OF MS. ALLISON BEDARD'S DENTAL HYGIENE NO. 15731

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**6. DISCUSSION AND ACTION ON PROPOSED CASE RESOLUTIONS.**

**6.1. Agreed Settlement Orders.**

A MOTION WAS MADE BY MS. PALERMO AND SECONDED BY DR. QUIRCH TO APPROVE THE AGREED SETTLEMENT ORDERS AS PRESENTED.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**6.2. Remedial Plans.**

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY MS. CORNETT TO APPROVE THE REMEDIAL PLANS AS PRESENTED.

(FOR – 13/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**6.3. Consent Orders.**

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY DR. TILLMAN TO APPROVE THE CONSENT ORDERS AS PRESENTED.

(FOR – 13/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**6.4. Modification Orders.**

A MOTION WAS MADE BY MR. WHITE AND SECONDED BY DR. HENDERSON TO APPROVE THE MODIFICATION ORDERS AS PRESENTED.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**6.5. Dismissals.**

A MOTION WAS MADE BY MS. CORNETT AND SECONDED BY DR. LEEDY TO APPROVE THE DISMISSALS AS PRESENTED.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**6.6. Nunc Pro Tunc Orders.**

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY DR. HENDERSON TO APPROVE THE NUNC PRO TUNC ORDERS AS PRESENTED.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**7. PRESIDING OFFICER REPORT.**

Dr. Austin presented the Presiding Officer Report.

Dr. Austin called for a break at 10:30 a.m.

Dr. Austin reconvened the meeting at 10:45 a.m.

**8. MISCELLANEOUS REPORTS.**

**8.1. Professional Recovery Network (PRN) Report.**

Dr. Austin relayed that the PRN Report provided by Ms. Hulbert is available on the Board Member Website.

**8.2. Dental Exam Review Board (DERB) Report.**

Dr. Dean presented the DERB report.

**8.3. Western Regional Examining Board (WREB) Report.**

Dr. Dean presented the WREB report.

**9. DISCUSSION AND ACTION CONCERNING COMMITTEES AND COMMITTEE REPORTS**

**9.1. Dental Hygiene Advisory Committee (DHAC).**

Dr. Austin called on Ms. Hahn to address the Board to discuss the Dental Hygiene Advisory Committee.

A MOTION WAS MADE BY DR. QUIRCH AND SECONDED BY MS. CORNETT TO APPROVE THE FOUR CRDTS EXAMINER APPLICANTS THAT WERE RECOMMENDED APPROVALS THROUGH DHAC, AS WELL AS THE THREE EXISTING HYGIENISTS ON THE DHAC COMMITTEE TO ALL SERVE AS CRDTS EXAMINERS.

(FOR – 13/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

A MODIFICATION TO THE PREVIOUS MOTION WAS MADE BY MS. PALERMO AND SECONDED BY DR. TILLMAN FOR MS. CORNETT AND MS. PALERMO TO SERVE AS CRDTS EXAMINERS.

(FOR – 13/ OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**9.2. Anesthesia Committee.**

Dr. Austin called on Dr. Bunel to present the Anesthesia Committee Report.

Dr. Bunel relayed the committee met in January and that the Committee is waiting to see what occurs during Legislative Session to see how to move forward with Committee duties.

Dr. Austin relayed there have been 4 Anesthesia Committee meetings to date .

**9.3. Dental Practice Review Committee.**

Dr. Austin called on Dr. Dean to present the Dental Practice Review Committee report.

Dr. Dean relayed the debut meeting was held on Thursday, February 23, 2017 at 1:00 p.m.

Dr. Dean announced the Dental Practice Review Committee Members:

Dr. Garza, Dr. Zimmerman, Dr. Henderson, and Mr. Villa.

Dr. Dean explained that the charge of the first meeting was to help Staff evaluate common questions to come in the form of an email to Nycia. The questions referenced are available in the board report on the Board Member website. The Committee came up with some answers and clarity in the statute.

Dr. Dean relayed the charge of the Committee as a whole is to help licensees become more familiar of what their obligations are to the state.

Dr. Austin made an announcement to appoint Ms. Lois Palermo to the Dental Practice Review Committee and Ms. Palermo accepted.

**9.4. Licensing Committee.**

Dr. Austin called on Ms. Cornett to present the Licensing Committee report.

Ms. Cornett relayed the committee met on February 23, 2017

Ms. Cornett thanked the Licensing Committee members, Dr. Bunel, Dr. Quirch, Dr. Leedy and Ms. Palermo for their presence at the meeting.

**DISCUSSION OF STAFF'S RECOMMENDED APPLICATION DENIALS.**

**Application 2017Q2RDA1**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO GRANT (WITH A WARNING) APPLICATION 2017Q2RDA1.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**Application 2017Q2RDA2**

**Application 2017Q2RDA3**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO DENY APPLICATIONS 2017Q2RDA2 AND 2017Q2RDA3.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**Application 2017Q2RDA4**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO APPROVE APPLICATION 2017Q2RDA4.

FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**DISCUSSION OF STAFF'S RECOMMENDED APPLICATION APPROVALS WITH CONDITIONS.**

**Application 2017Q2DDS1**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO GRANT (WITH A WARNING) APPLICATION 2017Q2RDA4.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**DISCUSSION ON APPLICATIONS FOR EXCEPTION TO BOARD RULES.**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO DENY AN EXCEPTION TO BOARD RULES FOR DR. DUABIS AND DR. OWENS.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**DISCUSSION ON DENTAL HYGIENE CLINICAL REMEDIATION.**

**Remediation 2017Q2RDH1**

**Remediation 2017Q2RDH2**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO APPROVE REMEDIATION FOR APPLICANTS 2017Q2RDH1 AND 2017Q2RDH2.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**DISCUSSION ON DENTAL CLINICAL REMEDIATION.**

**Remediation 2017Q2DDS2**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO APPROVE REMEDIATION FOR APPLICANT 2017Q2DDS2.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**APPLICATION FOR NITROUS PERMIT.**

A MOTION WAS MADE AND DID NOT REQUIRE A SECOND BECAUSE THE RECOMMENDATION WAS MADE FROM THE LICENSING COMMITTEE TO FURTHER REVIEW APPLICATION 2017Q2-01.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**9.5. Disciplinary Review Committee.**

Agenda Item 9.5. was taken out of order and discussed after Agenda Item 9.2.

Mr. White advised his Committee will meet after the Legislature has concluded the 85th session.

**10. PUBLIC COMMENTS.**

Dr. Austin asked if there were any Public Comment cards.

Ms. LaFuente advised there were no Public Comment cards.

**11. AGENCY ACTIVITY REPORTS.**

**11.1. Executive Director's Report.**

Dr. Austin called on Ms. Parker to present the Executive Director's Report.

Ms. Parker summarized her Report which is available on the Board Meeting website.

Ms. Parker announced that Lee Lannen is our new Anesthesia Licensing and Permit Specialist.

Ms. Parker relayed we are still going through the Sunset process.

The Blue Ribbon Panel Report on Dental Anesthesia/Safety issued their report early, on January 4, 2017 and was presented to the Sunset Advisory Commission on January 11, 2017.

Ms. Parker advised we are currently in 85th Legislative Session actively watching every day for bills that relate to the dental board and to state agencies.

Most recently, Ms. Parker testified before the Senate Finance Committee regarding general appropriations and the House Appropriations Committee regarding the budget as well. However, all state agencies are currently on a hiring freeze.

Additional funds were requested for our PRN Program which would offer more services and also for merit increases for all employees (excluding the Executive Director) on an annual basis was also suggested by Ms. Parker.

Ms. Parker announced the AADB meeting will be held in Chicago, IL from April 23, 2017 to April 24, 2017, and also suggested a Board Member to attend the AADB so we can have representation.

Ms. Parker expressed that as of March 1, 2017, the public will be able to search all public action documents on our website, which is a change from our current service.

**11.2. Finance and Administration Division Report.**

Dr. Austin called on Ms. Kappel to present the Finance and Administration Division Report.

Ms. Kappel summarized her written Report which is available on the Board Meeting website.

Ms. Kappel relayed to the Board Members that all membership fees as well as travel will be covered for whoever decides to attend the AADB conference.

Ms. Kappel pointed out that the Comptroller of Public Accounts (CPA) Audit from Fiscal Year 2013 is on the Board Member Website to compare it to the most recent CPA Audit for Fiscal Year 2017.

Some of the issues in the 2013 CPA Audit were not resolved but policies were put into place when Ms. Kappel became the Chief Accountant of the Dental Board. The auditors will be returning in March for the final audit meeting.

Ms. Kappel advised that the issues from the Corrective Action Plan from 2013 were addressed but not followed up on prior to her employment with the Dental Board. Ms. Kappel has since followed up on these issues. The Report is available on the Board Member Website.

Ms. Kappel explained that the status meeting report showed there were some employees not being paid correctly for their longevity. The request for their longevity pay has been submitted.

Ms. Kappel informed Board Members that the mileage calculator is available on the board member website.



Ms. Kappel relayed that the State Office of Risk Management (SORM) Audit was conducted on December 16, 2016 and there were no errors or omissions found in the Audit. There were however, many positive findings such as: A well-written Fiscal Year 2017-2021 Strategic Plan, the Fiscal Year 2016 Annual Financial Report is informative and easy to understand, along with but not limited to a well-written Personnel Handbook and Return-to-Work program manual.

#### **11.3. Licensing Division Report.**

Dr. Austin called on Ms. Mendez to present the Licensing Division Report.

Ms. Mendez summarized her written Report which is available on the Board Member website.

Ms. Mendez reported the current processing time for all Applications.

- Dentists: 02/13/2017
- Hygienists: 02/13/2017
- Dental Assistants: 02/09/2017

Ms. Mendez recognized that a paperless pre-renewal audit will hopefully take place by March for June renewals.

Ms. Mendez advised graduation season is coming up and a new process will be in place this season. There will be a "Licensure Expo" for onsite application approvals. Licensing Specialists will be on hand to assist in the licensure application approval process. Those applicants who complete and pay for their application online will be able to "walk in" along with all other required supporting documentation, in hopes of leaving with their approval letter in hand. The date(s) of the Licensure Expo is to be determined.

Ms. Parker recognized Ms. Mendez for her and her Staff coming in on a Holiday to catch-up the licensing applications.

#### **11.4. Investigations Division Report.**

Dr. Austin called on Ms. Deal to present the Investigations Division Report.

Ms. Deal summarized her written Report which is available on the Board Member website.

Ms. Deal introduced the new Intake Legal Assistant, Faye Bailey.

Ms. Deal explained that the intake process is preliminary. There are sixty days to complete preliminary investigation to determine if the case will move forward to an official investigation with Dr. Bell or DRP. Ms. Bailey will then make the determination to see if the case will go through the field investigator process where a more extensive investigation is performed as well as evidence of the case will be collected. Ongoing, there will be a consolidated packet for each case.

Dr. Bell advised that she has been working with Marian and Charlice to develop training to provide to the investigators on the consolidation of evidence packets (one PDF per case) that will be worked on, on the front end.

First report - Investigation Initiation Statistics for Fiscal Year 2017 shows how many complaints we have, where the case stands currently and have they been closed yet. This report is available on the Board Member website.

Second Report - Investigation Resolution Statistics for Fiscal Year 2017 shows the complaints resolved in

Quarter 1 and Quarter 2 of Fiscal Year 2017. 217 complaints were resolved in Quarter 1 and 101 complaints resolved in Quarter 2. This report is available on the Board Member website.

Third Report - Ongoing Investigation Statistics shows investigations pending by year of initiation for Fiscal Year 2017. The categories are broken down by intake/preliminary investigation, official investigation; this report is available on the Board Member website.

Ms. Parker relayed that the investigators currently have 5-15 cases each. Before Ms. Parker began her employment at the Dental Board on September 15 of, 2015, the investigators had about 45-50 cases which is a significant change in the individual case load.

Ms. Deal explained the Former Dispositions, continued dispositions and new dispositions. Examples of dispositions are available on the Board Member website.

**11.5. Dental Practice Division Report.**

Dr. Austin called on Dr. Bell to present the Dental Practice Division Report.

Dr. Bell summarized her written Report which is available on the Board Member website.

Dr. Bell mentioned that there are 120 DRP active reviewers but a total of 146 reviewers.

Dr. Bell relayed there have been 238 cases that have been processed since the last Board Meeting which is 100 more cases than last year.

Dr. Bell stated there is a need for another Dentist to be staffed to help review the back end of the reports and to provide feedback to the dentists. The day we posted for our part time dentist position was the same day the Governor announced a hiring freeze for all agencies. We have applied for the waiver and hope to hear back soon.

Dr. Bell explained that the DRP members get their cases and have 14 days to review their cases and they are meeting that deadline.

Dr. Bell announced that QCC is currently reviewing cases with an average of 10 days.

Dr. Bell stated there is information on the Board Member website for the 5 Mentee applicants. 4 of the 5 have completed the training and are recommended for approval. Originally, there were 19 applicants.

A MOTION WAS MADE BY DR. HENDERSON AND SECONDED BY DR. QUIRCH TO APPROVE THE FOUR RECOMMENDED DRP APPLICANTS AS PRESENTED.  
(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

Dr. Bell announced there will be a DRP training in Austin this summer.

**11.6. Legal Division Report.**

Dr. Austin called on Ms. Deal to present the Legal Division Report.

Ms. Deal summarized her written Report which is available on the Board Member website.

Ms. Deal reported the legal division statistics.

- Cases in Legal - 466
- Cases Heard at ISC in FY 2017 - 124
- Cases Set for Future ISCs in FY 2017 - 193
- Cases Referred to SOAH in FY 2017 - 34
- Cases Pending at SOAH - 37

Ms. Deal directed Board Members to look at the ISC Schedule on the Board Member website.

Ms. Deal advised that we have one compliance officer and that the Compliance Monitoring procedure has been updated.

Ms. Deal stated that the Personnel Policy is being updated. There is also a "No Retaliation Policy" and a Request for Resolution. More details of the documents are available on the Board Member website.

## **12. DISCUSSION AND ACTION ON RULES.**

### **12.1. Adoption of New 22 Tex. Admin. Code §107.400, Collection and Reporting of Enforcement and Licensing Data.**

A MOTION WAS MADE BY DR. BUNEL AND SECONDED BY DR. TILLMAN TO ADOPT NEW 22 TEX. ADMIN. CODE §107.400.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

### **12.2. Adoption of Amendment to 22 Tex. Admin. Code §104.6, Audits.**

A MOTION WAS MADE BY DR. BUNEL AND SECONDED BY DR. TILLMAN TO ADOPT NEW 22 TEX. ADMIN. CODE §104.6.

(FOR – 12 / OPPOSED – 0 / ABSTAIN – 1) MOTION CARRIES.

## **13. ANNOUNCEMENTS.**

## **14. ADJOURN.**

A MOTION WAS MADE BY DR. TILLMAN AND SECONDED BY MS. CORNETT FOR THE MEETING TO GO INTO EXECUTIVE SESSION.

(FOR – 13 / OPPOSED – 0 / ABSTAIN – 0) MOTION CARRIES.

**EXECUTIVE SESSION:** The board may enter a closed meeting to discuss any item it is authorized by law to discuss in a closed meeting, including but not limited to matters authorized by Sections 551.071 and 551.074 of the Texas Government Code.

- SIGNED -

Steven J. Austin, DDS  
Presiding Officer  
June 2, 2017

- SIGNED -

David Tillman, DDS  
Board Secretary  
June 2, 2017